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8 Attorney for Defendant

9 **PHILLIP HURBACE**

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 vs.

15 **PHILLIP HURBACE, LARRY**
16 **ANTHONY MCDANIEL, and SYLVAINE**
17 **DELLA WHITMORE,**

18 Defendants.

19 Case No.: 2:17-CR-110-APG-DJA

20 (SECOND REQUEST)

21 **STIPULATION AND ORDER TO CONTINUE SENTENCING**

22 **IT IS HEREBY STIPULATED AND AGREED**, by and between **TONY LOPEZ,**
23 **ESQ.**, Assistant United States Attorney, counsel for the United States of America, and
24 **OSVALDO E. FUMO, ESQ.**, counsel for PHILLIP HURBACE, **DANIEL HILL, ESQ.**,
25 counsel for LARRY ANTHONY MCDANIEL, and **LISA RASSMUSSEN, ESQ.**, counsel for
26 SYLVAINE DELLA WHITMORE, that the Sentencing Hearing currently scheduled for April
27 21, 2022, at 9:30, 10:30 a.m., and 1:30 p.m., be vacated and reset or a date and time convenient
28 to the court, but not earlier than September 2022.

- 27 1. Counsels for defendants has spoken to their clients and they have no objection to the
28 request of continuance.
2. Defendants are out on pretrial release.

1 3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the
2 continuance.
3 4. Counsels needs additional time to prepare for sentencing.
4 5. Counsel are requesting that sentencing be set out to September 2022.
5 6. Denial of this request for continuance could result in a miscarriage justice.
6 7. For all the above-stated reasons, the ends of justice would best be served by a
7 continuance of the Sentencing Hearing until a date and time convenient to the court.
8

9 This is the 2nd request for continuance filed herein.
10

11 **DATED** this 15th day of April 2022.

12 /S/ Osvaldo E. Fumo, Esq.
13 **OSVALDO E. FUMO, ESQ.**
14 Nevada Bar No. 5956
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17 Attorney for Defendant
18 **PHILLIP HURBACE**

19 /S/ Tony Lopez, Esq.
20 **TONY LOPEZ, AUSA**
21 Assistant United States Attorney
22 501 Las Vegas Blvd. South,
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24 Las Vegas, NV 89101

25 /s/ Lisa Rasmussen, Esq.
26 **LISA RASMUSSEN, ESQ.**
27 Nevada Bar No. 7491
28 550 E Charleston Blvd., #A
29 Las Vegas, Nevada 89104
30 Attorney for Defendant
31 **SYLVAINE DELLA WHITMRE**

32 /s/ Daniel Hill, Esq.
33 **DANIEL HILL, ESQ.**
34 Nevada Bar No.: 12773
35 228 S. 4th Street, 3rd Flr
36 Las Vegas, Nevada 89101
37 Attorney for Defendant
38 **LARRY ANTHONY MCDANIEL**

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8 Attorney for Defendant

9 **PHILLIP HURBACE**

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 vs.

15 **PHILLIP HURBACE, LARRY**
16 **ANTHONY McDANIEL, and SYLVIAINE**
17 **DELLA WHITMORE,**

18 Defendants.

19 Case No.: 2:17-CR-110-APG-DJA

20 (SECOND REQUEST)

21 **FINDINGS OF FACT**

22 1. Counsels for defendants has spoken to their clients and they have no objection to the
23 request of continuance.

24 2. Defendants are out on pretrial release.

25 3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the
26 continuance.

27 4. Counsels needs additional time to prepare for sentencing.

28 5. Counsel are requesting that sentencing be set out to September 2022.

6. Denial of this request for continuance could result in a miscarriage justice.

7. For all the above-stated reasons, the ends of justice would best be served by a

1 continuance of the Sentencing Hearing until a date and time convenient to the court.

2 This is the 2ND request for continuance filed herein.

3 **CONCLUSIONS OF LAW**

4
5 Denial of this request for continuance would deny the parties herein the opportunity
6 to effectively and thoroughly prepare for Sentencing Hearing.

7 Additionally, denial of this request for continuance could result in a miscarriage of
8 justice.

10
11 **ORDER**
12

13 **IT IS HEREBY ORDERED** that the sentencing hearings currently scheduled for April 21,
14 2022, are vacated, and continued.

15 Hurbace is continued to September 22, 2022, at 10:30 a.m.

16 McDaniel is continued to September 22, 2022, at 1:30 p.m.

17 Whitmore is continued to September 22, 2022, at 2:30 p.m.

18 In Courtroom 6C before Judge Andrew P. Gordon.

19
20 DATED this 19th day of April, 2022.

21 
22 **DISTRICT COURT JUDGE**
23